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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,021	07/06/2000	Ki-Hyun Kim	678-504 (P9383)	4959

7590 05/29/2003
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EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,021

Applicant(s)

KIM ET AL.

Examiner

Sujatha Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4,6,7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peherson [US 6,314,183] in view of Martensson [US 5,151,946].

Regarding claims 1,6,7, Peherson discloses an opening and closing device for a portable telephone (10 in fig.1). Pehrson further discloses a main body (12,fig.1) and a sub-body (14 in fig.1) closably mounted on the main body. Peherson further discloses a detector (34 in fig.1) to detect the opening angle and a controller for controlling the rotation of opening/closing to a pre-determined angle. See summary of invention and column 3, lines 1-62. Pehrson however does not disclose the switch for driving the opening/closing device.

Martensson in the same field of endeavor teaches a method of using a motor for automatic opening/closing of the sub body over the main body. See column 5, line 57 – column 6, line 5. Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the above teachings of Martensson in Peherson's device to facilitate the user with automatic opening/closing of the sub-body over the main body of the mobile phone.

Regarding claim 4. Pehersson discloses the use of magnet sensor for detecting the position of the movable element in relation to the apparatus housing. See abstract and summary of invention.

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3. Claims 2,3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peherson [US 6,314,183] in view of Martensson [US 5,151,946] and further in view of Ohtsuka [US 5,923,751].

Regarding claims 2 and 3, Peherson and Martensson as treated in claim 1 disclose all the limitations as claimed. However they do not disclose the use of decelerating module, which aids in the opening and closing of the sub-body over the main body.

Ohtsuka in the same field of endeavor teaches the opening/closing device to include a hollow module housing with through hole and a decelerating module inserted in the module housing and the sub-body coupler. See Figures 1,2,8, column 2, line 8 – column 4, line 65.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the above teachings of Ohtsuka to Martensson and Peherson to facilitate the user with automatic opening/closing of the sub-body over the main body of the mobile phone.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Peherson [US 6,314,183] in view of Martensson [US 5,151,946] and further in view of Wohl [WO 92/09163] Regarding claim 5, the modified Peherson as treated in claim 1 does not disclose the method of using a light/photo sensor to detect the opening/closing of the sub-body.

Wohl in the same field of endeavor teaches the use of sensor that lightens the keypad and display when the flip cover moved from its closed position to its open or extended position. See abstract and summary of invention.

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Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to include the above teachings of Wohl in the modified Peherson's device in order for the mobile telephone to detect the position of the flip cover relative to the main housing and accordingly provide the on-hook/off-hook condition.

Response to Arguments

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Metroka [US 5,148,471] discloses a communications device with voice recognition and movable element control interface.

Narva [US 6,384,813] discloses a two-part electronic device.


Wohl [WO 92/09163] discloses a portable telephone housing.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned and for all official communications is 703-872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.


Sujatha Sharma
May 22, 2003


ERIKA GARY
PATENT EXAMINER